

Chapter-01

ABORTION RIGHTS OF WOMEN: A BASIC HUMAN RIGHT

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ABSTRACT:

The debate over abortion rights of women seems like an unresolvable friction of rights that is the friction between the rights of women to have their bodily integrity and to control their bodily decisions and the Right of a children to be born. Human Rights are the inherent rights, which should be available to every person without any discrimination of any kind irrespective of their gender or sex. Recognition of person's dignity and equality are inalienable rights of all members of the human family and are foundation of very basic right to live freely. The most important right of a Human is the Right to life. It is the most supreme human right from which no derogation is permitted. The Article 6(1) of the International Covenant on Civil and Political Rights prohibits arbitrary and unreasonable deprivation of life. But there exists friction amongst various groups of society qua this Fundamental Right of Life which is the essence of human existence specially the fundamental Right of life of women and the most debatable one the right of abortion from which women has been prevented and there is dispute between different groups of society which favours and disfavour availability of this right to women. It is quite natural to think that if a woman has right to give birth to a child then she must also have right to not to carry pregnancy in the circumstances unavoidable to her which is in conflict of the right of unborn child. But the rights of the mother are to be balanced with the rights of the unborn child.

*Earlier the right to abortion was not permitted and it was strongly opposed by the society. In Indian Context also abortion has been prohibited in upnishads, vedas etc. The termination of pregnancy is termed as murder of the foetus. But due to the change in time and trends of society, nowadays this right has been legally sanctioned by most of the nations after the landmark and famous decision of **Roe Vs Wade** by the US Supreme Court.*

But still certain groups of people believes that this right should be restricted and should not be available to women in the present Research paper we are concern with the question that-whether women should have right to abortion or not vis a vis the right to life of the unborn What are the International instruments which are available for implementing this right of abortion. How Indian law is combating the friction between the women's right of abortion and the Right of an unborn children to be born alive.

Not only in earlier stages of Feminism but in present circumstances also women have been facing many hurdles in effective enjoyment of their right to have abortion of unwanted foetus. these hurdles are not only political but also social, economic, physical. For instance, Rape victims who from the fear of being social stigmatising tilts toward unsafe or illegal abortions. so as to prevent the fact of being raped to come in public domain and to prevent oneself from legal technicalities. Thus, the first and the foremost right must be to keep one's body safe, private, and healthy must be protected, without which, all other rights are meaningless.

Keywords: *Abortion, Medical Termination, Violence, Foetus.*

INTRODUCTION:

Abortion is a violent and unnatural form of discrimination against a class i.e. younger human beings. If the right to life from the beginning of an individual's life is not recognized and protected then every other rights are meaningless and every other point chosen afterwards is arbitrary, with the result being that none of us are truly equal.

Every person begins their lives in their mother's womb. Human life in the womb is exceptionally vulnerable and is prone to crime as unborn humans have no defence against the outside forces that has been exerted on them from outside world so it our duty to save the womb of their mothers and to strike balance between the right of bodily integrity of women vis a vis rights of unborn child. There is difference of opinions amongst various groups of society whereby some of them are of view that if society defends the right to an abortion, they are unwittingly defending the right of stronger humans to kill weaker ones and the freedom of women does not depend solely on the existence of right to have abortion rather it is only an element of the complete code of Fundamental right of personal and bodily integrity. But on the other hand some other groups of society advocate the Right of women to have abortion on the ground that if a woman is free to give birth to a child then she is also free to not to give birth to an unborn child who is unplanned, unwarranted or is a result of crime or when the physical-economic-social conditions does not allow her to carry on with the pregnancy.

We can place whatever labels we want on abortion: "women's rights," "choice," "bodily integrity", "bodily autonomy," "freedom." The result is the same – a dead baby.

The conflict over allowing or not allowing right of abortion is not new. Earlier strains of feminism saw this issue more clearly. Susan B. Anthony called abortion "child murder" and called for "prevention, not merely for punishment of the dreadful deed." 19th century feminists were unanimous in opposing abortion. Elizabeth Cady Stanton grouped it with infanticide. Mattie Brinkerhoff was clearest one when she linked a woman seeking abortion to a man who has done the irresponsible act himself and could not feel in the same way as the women does.

Now the question arises, do women want abortion? Do they need the right to have abortion for effective enjoyment of their lives? It is not like she wants a BMW or an ice cream cone but it is like an animal who has been caught in a trap who is trying to escape, a woman who seeks an abortion is in same position as a trapped animal, who is trying to escape a desperate situation by an act of violence and self-loss. Abortion in no ways means or points towards the factum that women can enjoy their freedom by way

abortion but it is pointing towards the factum that they were opting for abortion out of desperation. How did such desperation become so prevalent?

There are two trends in modern feminism, both have been adapted from the values of the male dominated society and concentration of power in the hands of male members of human society, combine to necessitate abortion. And secondly modern feminism is concerned with the participation of women in public and professional life and also embraced advocacy of sexual freedom as well. Yet participation in public life is significantly complicated by responsibility of children, This dilemma of “simultaneous pursuit of behaviours” that is the behaviour of having children and the behaviour of wanting a foetus removed – inevitably finds its solution on an abortion table.

WHAT IS ABORTION?

Abortion, the expulsion of a foetus from the uterus before it has reached the stage of viability (in human beings, usually about the 20th week of gestation). An abortion may occur spontaneously, in which case it is also called a miscarriage, or it may be brought on purposefully, in which case it is often called an induced abortion.

SCOPE OF PROBLEM:

As per WHO Report, around 73 million induced abortions (deliberate interruption of ongoing pregnancy) take place worldwide each year. 6 out of 10 (61%) of all are unintended pregnancies, and 3 out of 10 (29%) of all pregnancies, ends in induced abortion. Due to which “Comprehensive abortion care” is included in the “List of essential Health Care Facilities” published by WHO in 2020. World Health Organisation provides certain measures to abort the unwarranted foetus and any abortion which is done by any means outside the measures provided in WHO List is considered to be unsafe which can affect the mother’s health. It is a simple health care intervention that can be effectively and easily managed by a wide range of health workers using medication or a surgical procedure. In the first 12 weeks of pregnancy, a abortion can be safely self-managed by the pregnant person without resorting to other health care facilities for example at home one can have contraceptive pills in initial stage of pregnancy. But it is very much important that such pregnant women must have knowledge and awareness about the accurate information about proper medicines and other health facilities.

WHO’s Comprehensive abortion care includes various aspect of abortions for instance, provision relating to information, abortion management, pre-abortion care and post-abortion care. It also includes care related to miscarriage (spontaneous abortion

and missed abortion), induced abortion, incomplete abortion as well as foetal death (intrauterine foetal demise. The problem arises when people with unintended pregnancies face barriers of attaining safe, timely, affordable, geographically reachable, respectful and non-discriminatory abortion then they often resort to unsafe and secret abortion.

Abortion Rate in India:

In a vast country like India's total of 15.6 million abortion took place in every year, against the 7 lakhs figure which the centre puts out every year from the last 15 years. Out of these women, an overwhelming number of 81% prefers to take medicines at home instead of resorting to hospitals and health care facilities. India's abortion rate is 47/1000 women of reproductive age.

CAUSES OF ABORTION:

The main causes behind unsafe and illegal abortions are unwanted or unplanned pregnancies, rape, forced abortions, inadequate counselling from medical professionals, NGOs, etc. and non-reachability of proper health care facilities. According to WHO (2015), "approximately 21.6 million unsafe abortions took place worldwide in 2008 – maximum of which were in developing countries," and, "1 in each 10 pregnancies ends with an unsafe abortion worldwide," (WHO, 2011). In developing countries, unsafe abortions occur at an incidence of two in five women under 25 years of age and about one in seven women under 20 years of age.

There are a number of social, physical and biological reasons which lead to unsafe abortions and related complication.

Social and Physical Issue:

The social issues include the social beliefs that are preventing and causing hindrances in the way of women having safe and legal abortion. It includes cultural beliefs and practices, lack of hospital and health care resources, lack of proper and affordable transport systems and a low social and economic status of women or the family to which such women belongs, due to which most people refer unskilled birth attendants. Some people allow limited mobility to women due to the concept of 'pardah'. Instead of resorting to proper health care facility they give preference to a 'Dai', who mostly uses manual methods and unsterilized instruments in the most unhygienic environment, leading to complications such as infertility, haemorrhage, etc. Some women who cannot afford a proper abortion may try to abort the foetus themselves, possibly by using sharp instruments, drugs and by exerting outside forces.

They often do not have knowledge about the repercussions of an unsafe abortion. Some people use abortion as an alternate of family planning without having any proper knowledge about the ill-effects of unsafe abortion on women's health. The first and foremost reason for this is the dereliction on the part of government which does not provide proper and affordable services to each section of the society according to their needs. Many Dais, nurses and midwives in our society are unskilled and run their own clinics by calling themselves doctors.

Biological Issue:

Among the many biological issues, age is an important factor. Adolescents are vulnerable to vulnerable, rape, sexual abuse, sexual violence and unwanted pregnancy due to their sexual desires which are at their peak at young age.

DOES WOMEN HAVE RIGHT OF ABORTION?

Throughout history, non-natural and induced abortions have been a source of consistent debate. One of the biggest problem which is associated with abortion is the fact that it involves killing an unborn foetus. The main issue concerning abortion is that, no doubt women have the right to make decisions about their own bodies but don't foetuses also have a right to live? There is conflict between rights of women to have abortion and the foetuses' right to be born alive or to live.

It is the woman's individual rights, right to have personal and bodily integrity, right to life, right to liberty, and right to pursue her happiness, which gives sanctions to women's right to have abortion of unwarranted foetus. A women's reproductive and sexual health shapes her reproductive choices and not the society which has nothing to do with the pain and gain of the process of child birth or abortion. Reproductive rights are internationally recognized as critical for both, to advancing women's human rights and to promoting true development of a women and society. Each and every woman have absolute right and freedom to have control over her body, most often known as bodily rights or personal integrity.

Legally speaking, A woman has right of abortion if:

- The continuance of the pregnancy results into danger to the life of the pregnant woman which is greater than if the pregnancy were terminated
- The termination is necessary to prevent imminent danger and risk to the physical or mental health of the pregnant woman

- There is substantial and real risk that if the child were born such child would suffer some serious physical or mental abnormalities which will make him handicapped.
- In case of emergency, it is necessary to prevent life of the pregnant women then such operating medical practitioner can certify that abortion is immediately necessary:
to save the pregnant women's life or to prevent grave and substantial injury to the physical or mental health of the pregnant woman.

INTERNATIONAL LEGAL PROVISION RELATING TO ABORTION RIGHTS OF WOMEN:

Article 1 of the American Declaration of Rights and Duties of Man and the Inter American Commission of Human Rights say that abortion is legalized until the end of First trimester Right to life is protected from the moment of its conception by various international statutes like:

- **Articles 6(1)** of the ICCPR
- **Article 2** of the European Convention of Human Rights and
- **Article 4** of the African Charter of Human and People's right.

But these international legal provision does not cover the burning issue as to when does the life begin and it has not been effectively provided in any statute as to protection of a unborn foetus's life But from the interpretations of the above said provisions, have forced us to believe that the child is not to be protected from the time of its inception. On the other hand, right to have privacy and private life has been recognized by many substantial statutes. Thus, there has to struck balance between the right to life of the foetus and the rights of the mother.

The Historic Decision of Roe Vs. Wades (1973):

Roe v. Wade was one of the most important and celebrated one and it is one of the most politically significant Supreme Court decisions in world's history, which has reshaped entire national politics, dividing the nation into "pro-choice" and "pro-life" camps, and had instigated the need of grassroots activism. In this landmark judgement United States Supreme Court held that most of the laws against abortion violates the constitutional right of privacy and right of freedom to live life on one's own terms. Thus, this landmark judgement has overturned all state laws restricting abortion and which were inconsistent with the decision. As per the fact of the case Jone Roe, the plaintiff

wanted to terminate her pregnancy because she contended that the pregnancy was a result of rape. The US Supreme Court while overturning the inconsistent abortion laws has also held that there has to struck balance between state's legitimate needs and the legitimate needs of a suffering women. The Court has ruled out proper circumstances when a pregnant woman can abort the foetus so as to strike out balance between rights of a mother and the unborn child and ruled out that:

- The State CANNOT restrict a woman's right to an abortion DURING FIRST TRIMESTER
- State can REGULATE the abortion procedure during the second trimester "**in such a ways that are reasonably related to maternal health or physical health of the women**"
- In the third trimester, demarcating the viability of the fetus, a state can even choose to restrict or even to proscribe abortion as it deems fit having due regard to the facts and the circumstances of each and every case.

The Apex Court of Canada in a leading case titled as "**Morgentalor Smoling and Scott vs. R**", the Court emphasized on the bodily security and integrity of the pregnant women. The apex court of Canada in its landmark judgement has done away with the legal procedures and technicalities of filing application to therapeutic committee for obtaining permission from the committee for abortion which usually caused delay in the procedure which ultimately affected the women's right to have safe abortions. The Supreme Court found that this procedure infringed the guarantee of security of a person. This has subjected the pregnant woman to psychological stress in another landmark judgement in case titled as "**H Vs. Norway**" **it was held that** a women has the same exclusive right to abortion as to any to any other medical treatment. The prospective fathers have no right to be consulted for the same and a prospective father is not allowed to be a hindrance in the enjoyment of right to life of pregnant women to seek proper health care facilities.

INDIAN LAW RELATING TO WOMEN'S ABORTION RIGHTS:

Indian law allows abortion, if the continuance of pregnancy would involve a risk to the life of the pregnant woman or grave injury to her physical or mental health.in earlier time also abortion has been practised but because it was illegal, it was practised illegal and secret manner and the concerned women were more prone to risk of their life. The passing of the Act made medical termination of pregnancy legal, with certain conditions for preventing the health of the mother.

The first and the most important Indian Legislation which regulates the abortions in India is "The Medical Termination of Pregnancy Act, 1971" popularly known as "The MTP Act, 1971". This law guarantees the Right of Women in India to terminate an unintended and unwarranted pregnancy by a registered medical practitioner in a hospital established or maintained by the Government or any place being approved for the purpose of this Act by the Government. It is to be noted here that not all pregnancies could be terminated as to make harmony between conflicting rights of a mother and an unborn child. Pregnancy can be terminated if all the conditions provided under section 3 of MTP Act, 1971 and if the operating agency was duly authorised by the government.

Section 3 of the MTP, Act, says that pregnancy can be terminated:

- (1) On physical grounds- As a health measure when there is danger to the life or danger to physical or mental health of the pregnant women;
- (2) On humanitarian grounds - when pregnancy resulted from commission of any crime like rape etc.
- (3) Eugenic grounds - this ground of abortion is for safeguarding the plight of a deformed or disabled foetus or where there is a substantial risk that the child, if born alive, would suffer from deformities and diseases.

INDIAN JUDICIARY ROLE IN PROTECTING ABORTION RIGHTS OF WOMEN:

Indian judiciary has played vital and very important role in safeguarding the bodily right and integrity of the pregnant women and had passed judgements which effectively prohibit state and society to stop assume women as a property and has given effective rights to the women. Some of the landmark judgements of Hon'ble Supreme Court are follows:

Dr. Nisha Malviya and Anr. Vs. State of Madhya pradesh

The facts of the case are that the accused had committed rape upon minor girl aged about 12 years and made her pregnant and two other co-accused took this girl, and they terminated her pregnancy. So the charge on them is firstly causing miscarriage without consent of girl. That in the present case Hon'ble Apex Court held that to have abortion is the sole and absolute right of the pregnant women or with the consent of the legal guardian only and no one else can do so without the consent of the victim. Thus the Court held all the three accused guilty of termination of pregnancy which was not consented by the mother/legal guardian or the victim girl.

D. Rajeswari vs State Of Tamil Nadu And Others

In the present case pregnancy to an unmarried 13 years old girl was caused as a result of the commission of crime against her personal dignity i.e. rape by several person forcefully, who prayed for issuing direction for termination of her pregnancy, on the ground that bearing the unwanted pregnancy of the child of three months has caused great anguish in her mind, which would result in a grave injury to her mental health, since the pregnancy was caused by rape. The Court granted the permission to terminate the pregnancy as the minor girl was 18 weeks pregnant which is permissible under the MTP Act 1971.

But the question arises if the women is 20-24 weeks pregnant, whether such women is entitle to have abortion? This was answered in “**Nikita Mehta Case**” where Hon’ble Supreme court held that abortion can be done at 24 weeks for an abnormal pregnancy.

In case titled “ **MS X through her Legal Guardian versus Government of NCT Delhi & Anr.** Hon’ble Delhi High Court while permitting the termination of 26 weeks pregnancy of a minor victim (in exceptional circumstances only) and the court was of the opinion that “ if the petitioner was forced to go through with the pregnancy despite the same have been caused on account of the incident of sexual assault, it would permanently scar her psyche and cause grave and irreparable injury to her mental health. The court cannot visualize a more egregious invasion of her right to life as guaranteed by Article 21 of Indian Constitution.” And has also held that in exceptional circumstances pregnancy beyond 24 weeks is permissible in exceptional circumstances where it resulted by sexual assault and the anguish caused by pregnancy is presumed to constitute a grave injury to the mental health of the pregnant women.

Murari Mohan Koley vs The State

In this case, a woman wanted to have abortion on the ground that she has a 6 months old daughter. She approached the petitioner for an abortion to which the petitioner doctor agreed for a consideration. But somehow the condition of the woman worsened in the hospital and it resulted in her death. The abortion was not done. Then the case against the petitioner was registered. In this court has held that for claiming the exemption under MTP Act, 1971 it is sine qua non for the petitioner to prove Bona fide and good faith on his part. And it was also held that word “Act” also includes “omission”.

In case titled “ **Surekha Gautam Khobragade versus State of NCT of Delhi through Department of Health and Family Welfare & Anr.**, court while permitting termination of 26 weeks pregnancy as the petitioner was victim of rape, had taken note of grave mental injury, women’s freedom of choice whether to bear child or abort her pregnancy , right of privacy , right of bodily integrity and human dignity.

“**Nivedita Basu versus State of West Bengal**” Hon’ble Calcutta High Court allowed termination of 35 weeks old foetus of a woman after taking into consideration that there are remote chances of the child surviving or leading a normal life.

From the above mentioned cases it is very much clear that court is not bound to only permit the termination up to 24 weeks but under certain exceptional circumstances abortion can be terminated beyond 24 weeks to do full justice and to ensure the Right of health and bodily integrity to the pregnant women.

X vs The Principal Secretary, Health & Family Welfare Department The Supreme Court Chief Justice, D.Y. Chandrachud said that an unmarried woman has the right to abort her pregnancy even on the 24th week. The court quoted from precedents, **"A woman's right to reproductive choice is an inseparable part of her personal liberty under Article 21 of Constitution. She has a sacrosanct right to bodily integrity. There is no doubt that a woman's right to make reproductive choices is also a dimension of personal liberty."**

The Apex Court has noted that by virtue 2021 amendment, the Medical Termination of Pregnancy Act uses the word "partner" instead of "husband" in the explanation to Section 3, thus as per the interpretation of court it is very much clear that not only married women but also unmarried women or women in live-in relationships can apply for the termination of pregnancy and the relief cannot be denied to a women merely because she is unmarried. further court opined that for the purpose of social legislation like MTP Act, 1971, **“distinction between a married and unmarried woman does not bear a nexus to the basic purpose and object which is sought to be achieved by Parliament.”** And it was also opined that strict interpretation should not be done of a social legislation which is meant for the betterment and upliftment of life and health of pregnant women. And also liberal interpretation should be given to Rule 3(b) which speaks of “change in marital status” of women, followed by expressions widowhood or divorce. It held that expression “change in marital status” must be given purposive interpretation.

INDIAN LAW RELATING TO WOMEN'S RIGHT OF ABORTION:

The Indian Penal Code 1862 and the Code of Criminal Procedure 1898, with their origins in the British Offences against the Person Act 1861, made crime of abortion punishable for both the woman and the abortionist except certain circumstances to save the life of the woman. Most important in relation to abortion rights of women was "Shah Committee" which was appointed by GOI to comprehensively study the need of the abortion aspect in women's life in every possible way whether it is physical, mental or medical and Shah Committee had suggested for legalising abortions for preventing risk to the life of pregnant women but unfortunately this has been linked with the Government's tactics to control or limit the population, which is certainly is not the intention of the Government and thus, these recommendations failed to shape as enacted legislation. In the year 1971, The MTP Act, passed by Parliament to legalize abortion in all of India except the states of J & K. .

The Medical Termination of Pregnancy Act 1971 and Regulations 1975:

The MTP Act was passed for legalising abortions in the circumstances which has been provided in section 3 of the MTP Act 1971. Any abortion beyond the circumstances and exceptions mentioned in the 1971 MTP Act is illegal and it also confers full protection to a registered medical practitioner against any legal or criminal proceedings for any injury caused to a woman seeking abortion legally and not illegally as it is duty of the medical practitioners too to save human life.

The key highlights of the MTP Act, 1971 are as follows:

- i. The Act allows an unwanted pregnancy to be terminated up to 20 weeks of pregnancy.
- ii. For carrying out abortion beyond 12 weeks it is necessary to have a second doctor's opinion.
- iii. Section 3 of the MTP Act, 1971 provides for the grounds under which abortion can be legal and can be validly done by the authorised medical practitioner.

The grounds include:

- grave risk to mental and physical health of the pregnant women in her actual or foreseeable environment,
- when pregnancy has been resultant of contraceptive failure,

- on humanitarian grounds such as if pregnancy results from a sex crime such as rape or intercourse with a mentally-challenged woman, or
- on eugenic grounds for instance where there is substantial reason to suspect substantial risk that the child, if born alive, would suffer from disability or disease or deformity.
- The MTP Act, 1971 allows any hospital maintained or recognised by the Government to perform abortions, but requires approval or certification in case of private hospital.
- For carrying out abortions under MTP Act, 1971 it is not a pre-requisite that the concerned doctor must have certain years of experience but what is necessary such medical practitioner must be registered under the concerned Act for carrying out the abortions under MTP Act, 1971.
- Any abortion done at a hospital or other facility without prior approval of the Government or in contravention of the MTP Act, 1971 and MTP Regulations, 1975 is illegal and the burden of proof is upon the medical practitioner to prove that it has obtained requisite approval from the government.

The much needed “Medical Termination of Pregnancy (Amendment) Act 2021”

This Act will contribute towards ending preventable maternal mortality to meet the SDGs goal to reduce maternal mortality ratio and to achieve universal access to sexual and reproductive health and rights. Some of the key highlights of the new MTP Amendment Bill are as follows:

- Under the amended act pregnancy can be terminated up to 20 weeks by married as well as unmarried women in case of failure of contraceptive methods.
- For termination of Up to 20 weeks of pregnancy only opinion of one registered practitioner is necessary. And in case of pregnancy above 24 weeks, opinion of State- level Medical Board is necessary and that under substantial foetal abnormalities cases.
- This amendment act has increased the upper gestation limit from 20 to 24 weeks for special categories of women that includes victim of incest rape, rape victims and other differently abled women or minors.

WHAT ARE THE ISSUES WITH THE NEW MTP AMENDMENT ACT 2021?

There is difference of opinion for the suitability and constitutionality of the present MTP Amendment Act, 2021 as terminating pregnancy is the choice of women and is the part of her reproductive rights but at some points this act neglected the right of unborn foetus.

- Major criticism of the MTP 2021 Act is its “physicians only” policy for providers excluded mid-level health providers of alternative systems of medicine as the act requires abortion to be performed only by specialised doctors in gynaecology or obstetrics.
- The requirement of a second medical opinion for a second trimester abortion further curtail and restricts free and effective access, especially in rural areas as in some situation women often hesitant in this regard .
- That it is very much important that in case of rape victims, victims might not come out for abortion under the fear of social stigma of being raped this may result into a situation of a gestation period above 24 weeks. In such a situation MTP Amendment act does not renders any help and the only resort which such rape victim has is to resort to the remedy of writ petition which further exaggerate the plight of rape victims.

CONCLUSION AND SUGGESTION:

When does life begin, has not been recognized under any statute. So by analysing the Constitutional provision of India, I found that a woman has a right to choose to have abortion and her right prevails over the right of an unborn. It is commendable that Indian has enacted MTP Amendment Act, 2021 but India should make abortion laws more. It violates women’s right to health, right to dignity, right to liberty and right to privacy. In Justice K.S. Puttaswamy (Retd) versus Union of India and others (2017) , the Apex Court Recognized the constitutional right of privacy and the constitutional right of women to make reproductive choices as a part of right to life as enshrined under Article 21 of the Indian Constitution which is clearly not ensured by the new MTP amendment Act, 2021. By analysing the MTP Amendment Act, 2021 we find that this act does not give any right to abortion to a woman for terminating her pregnancy rather she completely dependent on the sweet will of the medical practitioners. The upper gestation limit of 24 weeks does not renders any help to most of the rape survivor as there might be possibility of victim not coming out in public.

A way forward:

If we were to imagine a society that instead supports and respects women, we would have to begin with preventing these unplanned pregnancies, using Contraceptives fail as half of all aborting women admit they weren't using them anyway. Thus, preventing unplanned pregnancies will involve a return to sexual responsibility. Secondly, the government needs to ensure that all norms and standardised protocols in clinical practice to facilitate abortions are followed in health care institutions across the country. thirdly, we need to make continuing a pregnancy and raising a child a less of a burden. Fourthly, women should not be prevented from a comeback in the professional industry after a maternity break and she should not be looked down in terms of her talent only because of her pregnancy. Since, The Government has taken a bold step and it is quite commendable in ensuring rights to women but still there is need to do more and more liberal rights to be given to such women.